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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,513	11/05/2003	Takatoshi Okagawa	244925US90	5918
22850 7590 12/23/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER ADHAM MOHAMMAD SAJD				
ART UNIT 2471		PAPER NUMBER		
NOTIFICATION DATE 12/23/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/700,513

Applicant(s)

OKAGAWA ET AL.

Examiner

MOHAMMAD S. ADHAMI

Art Unit

2471

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-17 is/are pending in the application.
- 4a) Of the above claim(s) 13, 15 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-12, 14, 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- Applicant's RCE filed 8/10/2010 is acknowledged.
- Claims 1-7 have been cancelled.
- Claims 8-17 have been added.
- Claims 8-17 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/10/2010 has been entered.

Election/Restrictions

2. Applicant's election without traverse of claims 8-12, 14, and 16 in the reply filed on 11/29/2010 is acknowledged.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the address conversion information acquired from the first router" in line 19. There is insufficient antecedent basis for this limitation in the claim.

In claim 12, it is unclear which routing processor is being referred to in the limitation "the routing processor". Does this refer to the first routing processor or the second routing processor?

Claims 9-11 are rejected because they depend from a rejected claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 8,9,12,14, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Tirosh (US App. 2003/0141093).

Re claims 8,14, and 16:

Tirosh discloses *a routing controller configured to switch a routing path between routers from a first routing path to a second routing path* (Fig.1 ref.400 and Para.[0020] The QoS management system may instruct the dynamic routers where to route media stream data traffic and Para.[0011] A network manager unit may dynamically update the dynamic router such that the set of possible output path is changed and Para.[0021] providing information for routing and Para.[0026] and Fig.1 shows a first routing path and a second routing path).

Tirosh further discloses *a first router located on the second routing path* (Fig.1 ref.100b,100c, or 100d can be a first router).

Tirosh further discloses *a second router located on a demarcation point of the first routing path and the second routing path* (Fig.1 ref.100a is a second router and the paths to the various dynamic routers are first and second routing paths).

Tirosh further discloses *the router controller includes a trigger receiver configured to receive a trigger indicating a congestion or a occurrence of a failure on the first routing path, or to receive a trigger indicating a need to route via the first router in a case where the first router has a service control function including an accounting function, a monitoring function or a media converting function* (Fig.1 ref.400 and Para.[0038-0040] sending a trigger when a fault is detected – where the determined need to route through a first router is rerouting because of

a fault of a topology change and Para.[0031] The application layer may handle such functions as accounting of consumed bandwidth).

Tirosh further discloses *an address information provision requester configured to request provision of address conversion information to the first router in accordance with reception of the trigger* (Para.[0021] may instruct the dynamic routers where to route data traffic and Para.[0026] A dynamic router may force the packet to be forwarded to the stream's final destination by placing on the packet the IP address of the next-hop dynamic router. A path is first opened by telling all dynamic routers on the path their downstream dynamic router and associating with the path a unique label which is advertised to the dynamic routers on the path and Para.[0033] the various controllers may be responsible for communication and specific activities related to their controller entities).

Tirosh further discloses *an address conversion information creation requester configured to request creation of first address conversion information for converting data destined for a destination terminal to data destined for the first router* (Fig.1 ref.200e is a destination terminal and Para.[0021] may instruct the dynamic routers where to route data traffic and Para.[0026] A dynamic router may force the packet to be forwarded to the stream's final destination by placing on the packet the IP address of the next-hop dynamic router. A path is first opened by telling all dynamic routers on the path their downstream dynamic router and associating with the path a unique label which is advertised to the

dynamic routers on the path and Para.[0033] the various controllers may be responsible for communication and specific activities related to their controller entities).

Tirosh further discloses *to request creation of second address conversion information for converting data destined for the first router to data destined for the destination terminal, based on the address conversion information acquired from the first router* (Para.[0021] may instruct the dynamic routers where to route data traffic and Para.[0026] a path is first opened by telling all dynamic routers on the path their downstream dynamic router and associating with the path a unique label which is advertised to the dynamic routers on the path and Para.[0033] the various controllers may be responsible for communication and specific activities related to their controller entities).

Tirosh further discloses *the first router including a address conversion information provider configured to provide the address conversion information in accordance with a request from the routing controller* (Fig.1 ref.100b,100c, or 100d can be a first router and Para.[0026] telling all dynamic routers on the path their downstream dynamic router).

Tirosh further discloses *a first address conversion information manager configured to create and manage the second address conversion information in accordance with the request from the routing controller and to convert a destination address of received data based on the second address conversion information* (Para.[0021] may instruct the dynamic routers where to route data

traffic and Para.[0026] a path is first opened by telling all dynamic routers on the path their downstream dynamic router and associating with the path a unique label which is advertised to the dynamic routers on the path and Para.[0033] the various controllers may be responsible for communication and specific activities related to their controller entities).

Tirosh further discloses *a first routing processor configured to perform a routing processing of the data converted by the first address converted* (Para.[0026] forwarding a packet to a router).

Tirosh further discloses *the second router including a second address conversion information managed configured to create and manage the first address conversion information in accordance with the request from the routing controller and to convert a destination address of received data based on the first address conversion information* (Fig.1 ref.100a is a second router and Para.[0021] may instruct the dynamic routers where to route data traffic and Para.[0026] a path is first opened by telling all dynamic routers on the path their downstream dynamic router and associating with the path a unique label which is advertised to the dynamic routers on the path and Para.[0033] the various controllers may be responsible for communication and specific activities related to their controller entities).

Tirosh further discloses *a second routing processor configured to perform a routing processing of the data converted by the second address converter* (Para.[0026] forwarding a packet to a router).

Re claim 9:

Tirosh discloses *an address conversion information change requester configured to request the second router to change the first address conversion information* (Para.[0021] may instruct the dynamic routers where to route data traffic and Para.[0026] A dynamic router may force the packet to be forwarded to the stream's final destination by placing on the packet the IP address of the next-hop dynamic router. A path is first opened by telling all dynamic routers on the path their downstream dynamic router and associating with the path a unique label which is advertised to the dynamic routers on the path and Para.[0033] the various controllers may be responsible for communication and specific activities related to their controller entities).

Re claim 12:

Tirosh discloses *the first address conversion information associates a destination address of received data with an IP address of the first router* (Para.[0026] A dynamic router may force the packet to be forwarded to the stream's final destination by placing on the packet the IP address of the next-hop dynamic router).

Tirosh further discloses *the second address converted encapsulates the destination address of the receive data with the IP address of the first router* (Para.[0026] A dynamic router may force the packet to be forwarded to the stream's final destination by placing on the packet the IP address of the next-hop dynamic router.).

Tirosh further discloses *the routing processor performs the routing processing of the received data using the IP address of the first router* (Para.[0028] The traffic entering the dynamic router may be routed to the dynamic router using the declared IP addresses).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tirosh in view of Kimchi (US App. 2002/0120760).

Re claim 10:

As discussed above, Tirosh meets all the limitations of the parent claims.

Tirosh further discloses *deleting first address conversion information* (Para.[0029] Egress packets may be treated to erase or strip the tags inserted at an ingress router and forwarded to the proper termination IP address).

Kimchi discloses *an address conversion information deletion requester configured to request the second router to delete the first address conversion information* (Para.[0214] This transaction allows the user to request the server to remove an existing address book entry).

Tirosh and Kimchi are analogous because they both pertain to data communications.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tirosh to include requesting a router to delete address information as taught by Kimchi in order to maintain updated routing and topology information.

Re claim 11:

As discussed above, Tirosh meets all the limitations of the parent claims.

Tirosh further discloses *deleting first address conversion information* (Para.[0029] Egress packets may be treated to erase or strip the tags inserted at an ingress router and forwarded to the proper termination IP address).

Kimchi discloses *an address conversion information deletion permission requester configured to request the routing controller to permit deletion of the first address conversion information; and the second address conversion manager deletes the first address conversion information upon receiving the deleting permission from the routing controller* (Para.[0214] This transaction allows the user to request the server to remove an existing address book entry from the local replica of the address book when sending it to the server, or when received from the server, the client is required to delete the provided users from its address book).

Tirosh and Kimchi are analogous because they both pertain to data communications.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tirosh to include requesting a router to delete address information as taught by Kimchi in order to maintain updated routing and topology information.

Response to Arguments

1. Applicant's arguments filed 8/21/2010 have been fully considered but they are not persuasive.

In the remarks, Applicant contends Tirosh does not disclose requesting provision of address conversion information to the first router for converting data destined for a destination terminal to data destined for the first router and to request converting data destined for the first router to data destined for the destination terminal.

The Examiner respectfully disagrees. Tirosh does disclose requesting provision of address conversion information to the first router for converting data destined for a destination terminal to data destined for the first router and to request converting data destined for the first router to data destined for the destination terminal (Para.[0011] A network manager unit may dynamically update the dynamic router such that the set of possible output path is changed and Para.[0021] providing information for routing and Para.[0026] and Fig.1 – packets are sent from the source to the destination through a dynamic router (specific router)). A trigger is generated based on the need to reroute through a

first router because of a fault or topology change (Fig.1 ref.400 and Para.[0038-0040] sending a trigger when a fault is detected – where the determined need to route through a specific router is rerouting because of a fault of a topology change). The routing controller requests provision of address conversion information (Para.[0021] may instruct the dynamic routers where to route data traffic and Para.[0026] A dynamic router may force the packet to be forwarded to the stream's final destination by placing on the packet the IP address of the next-hop dynamic router. A path is first opened by telling all dynamic routers on the path their downstream dynamic router and associating with the path a unique label which is advertised to the dynamic routers on the path and Para.[0033] the various controllers may be responsible for communication and specific activities related to their controller entities).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD S. ADHAMI whose telephone number is (571)272-8615. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571)272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad S Adhami/
Examiner, Art Unit 2471

/Chi H Pham/
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